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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,867	02/20/2002	Shoeb M. Javed	VIDE01-00013	9886

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Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

EXAMINER

BELIVEAU, SCOTT E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,867

Applicant(s)

JAVED, SHOEB M.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 19 November 2002 filed on 19 November 2002 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Correction is required. See MPEP § 608.01(b).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "325" (Figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

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Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swain et al. (US Pat No. 2001/0047516 A1) in view of Yen (US Pat No. 5,880,721).

In consideration of claim 1, Figure 1 of the Swain et al. reference illustrates a "communication network" [23] that is "capable of communicating with a plurality of video content servers" [27] (Para. [0029] and [0034]) "storing a plurality of video files for download to a subscriber". The "apparatus" [11/13/15/17] comprises a "processing system comprising a central processing unit (CPU) and a memory capable of executing a browser program and a video download control program" (Para. [0026] – [0028] whereupon the "received user commands and user data are used by said browser program and said video

download control program to browse said plurality of video content servers and to download [a] first selected video file” (Para. [0036]). The Swain et al. reference, however, is silent with respect to the particular usage of a ‘wireless transceiver’ in conjunction with the ‘apparatus’ as claimed.

In an analogous art pertaining to video distribution, Figure 1 of the Yen reference illustrates a “wireless transceiver system” [2/10]. The system is system is coupled to a ‘processing system’ [13] and is “capable of transmitting video outputs and video outputs” [12] associated with any operation associated with the ‘processing system’ to a “television set apart from said processing system” [1] and “further capable of receiving user commands and user data transmitted by a viewer control device” ([3] or [4]) “operated by a viewer of said television set” (Col 2, Lines 9-65). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Swain et al. to comprise a “wireless transceiver system capable of being coupled to said processing system and capable of transmitting video outputs and audio outputs generated by said browser program and said video download control program to a television set apart from said processing system and further capable of receiving user commands and user data transmitted by a viewer control device operated by a viewer of said television set, wherein said received user commands and user data are used by said browser program and said video download control program to browse said plurality of video content servers and to download said first selected video file” for the purpose of providing a means to remotely operate a computer terming thereby enabling the expansion of computer application space and territory, adding

better living quality and more universal application of computers, and fulfilling the “integration” in daily applications (Yen: Col 1, Lines 11-40).

Regarding claim 8, as previously discussed, Figure 1 of the Swain et al. reference illustrates a “communication network” [23] that is “capable of communicating with a plurality of video content servers” [27] (Para. [0029] and [0034]) “storing a plurality of video files for download to a subscriber”. The “apparatus” [11/13/15/17] comprises a “processing system” (Para. [0026] – [0028] wherein “received user commands and user data are useable by a browser program and a video download control program executed by said processing system to browse [a] plurality of video content servers and to download [a] first selected video file” (Para. [0036]). The Swain et al. reference, however, is silent with respect to the particular usage of a ‘wireless transceiver’ in conjunction with the ‘apparatus’ as claimed.

In an analogous art pertaining to video distribution, Figure 1 of the Yen reference illustrates a “wireless transceiver system” [2/10]. The system is system is “capable of being coupled to a television set” [1] and is “capable of transmitting video outputs and video outputs” [12] “transmitted by a processing system apart from said television set and displaying said received video outputs and audio outputs on said television set” [1]. The “wireless transceiver” [2/10] is further “capable of receiving user commands and user data transmitted by a viewer control device” ([3] or [4]) “operated by a viewer of said television set and transmitting said received user commands and user data to said processing system” (Col 2, Lines 9-65). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Swain et al. to comprise a “wireless transceiver system capable of being coupled to a television set and capable of receiving video

outputs and audio outputs transmitted by a processing system apart from said television set and displaying said received video outputs and audio outputs on said television set, wherein said wireless transceiver system is further capable of receiving user commands and user data transmitted by a viewer control device operated by a viewer of said television set and transmitting said received user commands and user data to said processing system, wherein said received user commands and user data are usable by a browser program and a video download control program executed by said processing system to browse said plurality of video content servers and to download said first selected video file” for the purpose of providing a means to remotely operate a computer terming thereby enabling the expansion of computer application space and territory, adding better living quality and more universal application of computers, and fulfilling the “integration” in daily applications (Yen: Col 1, Lines 11-40).

Concerning claim 14, as previously discussed, Figure 1 of the Swain et al. reference illustrates a “communication network” [23] that is “capable of communicating with a plurality of video content servers” [27] (Para. [0029] and [0034]) “storing a plurality of video files for download to a subscriber”. The “network video player” [11/13/15/17] comprises a “browser program stored on a computer-readable storage medium capable of being executed by a processing system comprising a central processing unit (CPU) and a memory; and a video download control program stored on said computer-readable storage medium capable of being executed by said processing system” (Para. [0026] – [0028] whereupon “received user commands and user data are used by said browser program and said video download control program to browse said plurality of video content servers and to download [a] first

selected video file” (Para. [0036]). The Swain et al. reference, however, is silent with respect to the particular usage of a ‘wireless transceiver’ in conjunction with the ‘apparatus’ as claimed.

In an analogous art pertaining to video distribution, Figure 1 of the Yen reference illustrates a “wireless transceiver system” [2/10]. In particular, the “wireless transceiver system” [2/10] is “coupled to [a] processing system” and is “capable of transmitting video outputs and video outputs” [12] associated with any operation of the ‘processing system’ to a “television set” [1] and is “further capable of receiving . . . user commands and user data transmitted by a viewer control device” ([3] or [4]) (Col 2, Lines 9-65). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Swain et al. “wherein said browser program and said video download control program are capable of transmitting video outputs and audio outputs generated by said browser program and said video download control program to a television set via a wireless transceiver system coupled to said processing system and are further capable of receiving via said wireless transceiver system user commands and user data transmitted by a viewer control device operated by a viewer of said television set, wherein said received user commands and user data are used by said browser program and said video download control program to browse said plurality of video content servers and to download said first selected video file” for the purpose of providing a means to remotely operate a computer terming thereby enabling the expansion of computer application space and territory, adding better living quality and more universal application of computers, and fulfilling the “integration” in daily applications (Yen: Col 1, Lines 11-40).

Claims 2, 9, and 15 are rejected in light of the combined teachings wherein the “browser program is capable of accessing said video content servers and retrieving therefrom web page data associated with said plurality of video files and displaying said web page data on said television set” (Swain et al.: Figures 3 and 5).

Claims 3 and 16 are rejected wherein “said video download control program, in response to a first user command from said viewer requesting a first selected one of said plurality of video files, downloads said first selected video file from a first one of said plurality of video content servers” (Swain: Para [0036]).

Claims 4, 10, and 17 are rejected wherein the “processing system further comprises a mass storage medium capable of storing said downloaded first selected video file” (Swain et al.: Para. [0038]).

Claims 5, 11, and 18 are rejected in light of the combined teachings wherein “said browser program is capable of displaying on said television a plurality of video selection menus associated with said web page data, a first one of said menu selection menus containing a first menu option associated with said first selected video file, wherein said video download control program is further capable of receiving from said viewer a first video selection command selecting said first selected video file to be downloaded” (Swain: Figures 3 and 5).

Claims 6, 12, and 19 are rejected in light of the combined teachings wherein “said video download control program, in response to receipt of said first video selection message, transmits to said first video content server a video request message comprising a subscriber identifier associated with said video download control program, said video request message

capable of causing said first video content server to transmit said first selected video file to said processing system when said video download control program subsequently transmits said subscriber identifier to said first video content server” in accordance the necessary steps to process the subscriber playback request and subsequent routing of streaming media to the requestor (Swain et al.: Para. [0019], [0026], and [0036]).

Claims 7, 13, and 20 are rejected wherein the “video request message further comprises a video identifier associated with said first selected video file, wherein said first content server uses said video identifier to select said first selected video file from said plurality of video files for transmission to said processing system” in association with the subscriber selecting and identifying a desired program (Swain et al.: Para. [0036]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Simmons et al. (WO 00/11871 A1) reference discloses a system and method for enabling the download and playback of requested video programming over the Internet.
- The Schumacher et al. (US Pat No. 6,757,907) reference discloses a system and method for displaying selections in a video on-demand system.

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- The Singkornat et al. (US Pat No. 6,128,484) reference discloses a system and a method for the wireless distribution and control of a computer via a television.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SEB
August 25, 2006

Scott Beliveau
Primary Examiner
Art Unit 2623